

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ASHLEY GARDNER,

Plaintiff,

v.

CAPITAL ONE,

Defendant.

Case No. 1:23-cv-33

HONORABLE PAUL L. MALONEY

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ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff initiated this lawsuit by filing a complaint on January 9, 2023. On January 23, 2023, the Magistrate Judge issued a Report and Recommendation, recommending that the action be dismissed upon initial review pursuant to 28 U.S.C. § 1915(e)(2). The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF. No. 6) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Complaint is DISMISSED for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199,

206, 211-12 (2007). Should Plaintiff appeal this decision, the Court will assess the \$505.00 appellate filing fee pursuant to § 1915(b)(1).

A Judgment will be entered consistent with this Order.

Dated: February 23, 2023

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge